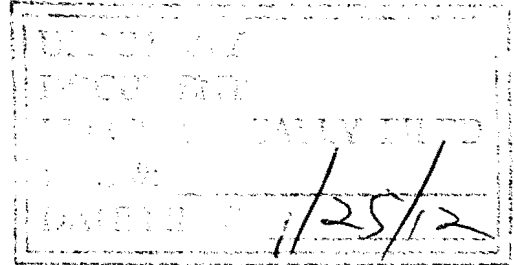


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FAMOUS JOE'S PIZZA, INC., :
 :
Plaintiff, : 10 Civ. 8861 (JSR)
 :
-v- : ORDER
 :
GIUSEPPE VITALE, JOE'S PIZZA OF :
BLEECKER ST. INC., JOE'S PIZZA OF :
BLEECKER ST. 2 LLC, JOE'S PIZZA ON :
SUNSET, INC., and JOHN DOES 1-5, :
 :
Defendants. :
----- X
JED S. RAKOFF, U.S.D.J.



On January 23, 2012, the Court issued an Order directing the parties to this case and the parties to a related arbitration to submit letter briefing. In light of the attached correspondence from the Honorable Eli Chernow, whose initial letter prompted the Court to issue its Order, the Order dated January 23, 2012 is hereby vacated as moot.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 24, 2012

ELI CHERNOW
JUDGE OF THE SUPERIOR COURT, RETIRED
P.O. Box 56389
SHERMAN OAKS, CALIFORNIA 91413-1389
818-995-3584 310-276-3584
JUDGEELICHERNOW@GMAIL.COM

ALTERNATE
DISPUTE RESOLUTION

FACSIMILE
818-995-4218

VIA FACSIMILE (212) 805-7935
and U.S. MAIL

January 24, 2012

Hon. Jed S. Rakoff
U.S. District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: **Case No. 10 Civil 88 61**
Famous Joe's Pizza, Inc. v. Giuseppe Vitale, Joe's Pizza of Bleecker Street, Inc.,
Joe's Pizza of Bleecker Street 2, LLC, Joe's Pizza on Sunset, Inc.

Dear Judge Rakoff:

Mr. Vitale has withdrawn his request to use the phrase "a slice of New York" on the website for the California pizza restaurants. Therefore, there is no need for you to give further consideration to this issue.

Thank you for your attention to this issue in the past.

Very truly yours,



ELI CHERNOW

EC:gl

cc: William Hochberg, Esq.
Timothy Gorry, Esq., Eisner Kahan & Gorry
Erica Hayward, Esq., Eisner Kahan & Gorry
Maria Savio, Esq.
Sandra Marshall, Case Manager, AAA